

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

AMYIAH COHOON, a minor, by and through her parents
and legal guardians, RICHARD COHOON and ANGELA
COHOON

Plaintiff,

v.

Case No. 20-CV-620

JOSEPH KONRATH, in his personal and official capacity
as Sheriff of Marquette County, Wisconsin; and

CAMERON KLUMP, in his personal and official capacity
as Patrol Sergeant for the Marquette County Sheriff's
Office,

Defendants

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff hereby moves the Court, the Honorable J.P. Stadtmueller, presiding, for an order granting her summary judgment on her claims against the Defendants under Fed. R. Civ. P. 56 and Civil Local Rules 7 and 56. This motion is brought based on the video evidence of the incident at the Cohoons' home submitted by the Defendants, which establishes beyond dispute a straightforward First Amendment violation. Plaintiff respectfully requests that this Court issue the relief she has requested: an injunction prohibiting Defendants from citing Plaintiff or her parents for disorderly conduct, arresting them, jailing them, or threatening any of the above, for future speech about Amyiah's scare with COVID-19; a declaration that Plaintiff's Instagram posts were speech protected by the First Amendment and that Defendants violated Plaintiff's First Amendment rights by demanding that she remove her post and then threatening "to issue

disorderly conduct citations if not start taking people to jail” if she did not remove her post; a declaration that Defendants may not cite Plaintiff or her parents for disorderly conduct (or any other crime), arrest them, jail them, or threaten any of the above, for speech about Plaintiff’s scare with COVID-19; nominal damages; and attorneys’ fees and costs. This Motion is supported by Plaintiff’s Brief in Support of Summary Judgment (which also serves as Plaintiff’s response to Defendants’ motion for summary judgment and reply in support of a preliminary injunction), Plaintiff’s Proposed Findings of Fact, the video submitted by Defendants (Exhibit 2 to the declaration of Stephanie Warren), the declarations of Amyiah Cohoon, Angela Cohoon, and Rick Cohoon, which were submitted along with Plaintiff’s motion for a preliminary injunction, and the Declaration of Luke Berg with the attached exhibits.

Dated: May 15, 2020

Respectfully submitted,

WISCONSIN INSTITUTE FOR LAW & LIBERTY

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